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5 Attorneys for Third Party Defendant, PETER YE

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

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13 VESTA STRATEGIES, LLC, ) Case No. C 07-06216 JW RS

14 Plaintiff, )

15 vs. )

16 ROBERT E. ESTUPINIAN, GINNY )  
ESTUPINIAN, MUTUAL VISION, LLC, )  
17 MILLENNIUM REALTY GROUP, VESTA )  
REVERSE 100, LCC, VESTA CAPITAL )  
18 ADVISORS, LLC, CAROL-ANN TOGNAZZINI, )  
EDMUNDO ESTUPINIAN, and HAYDEE )  
19 ESTUPINIAN, )

20 Defendants )

21 MUTUAL VISION, LLC, )

22 Counter Claimant, )

23 vs. )

24 VESTA STRATEGIES, LLC, )

25 Counter Defendant, )

26 MUTUAL VISION LLC, ROBERT )  
ESTUPINIAN AND GINNY ESTUPINIAN, )

27 Third Party Claimants, )

28 )

1 vs. )  
 2 JOHN TERZAKIS, SINGLE SITE SOLUTIONS )  
 CORPORATION, B & B SPARCO )  
 3 PROPERTIES, INC., AND PETER YE, )  
 4 Third Party Defendants. )  
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6 Pursuant to Rule 26(a) of the Federal Rules of Civil Procedure, third party defendant PETER  
 7 YE submits the following initial disclosure. This disclosure is based on the information reasonably  
 8 available to defendant at this time. Defendant's investigation, trial preparation and document review  
 9 continue. Accordingly, defendant reserves his right under the Federal Rules of Civil Procedure to  
 10 supplement this disclosure should additional information become available. Defendant does not  
 11 waive his right to object to the production of any document or tangible thing disclosed herein on the  
 12 basis of any privilege, including attorney-client privilege, work product doctrine, undue burden or  
 13 any other valid objection.

14       **A. Persons Likely to Have Discoverable Information [26(a)(1)(A)]**

- 15           1. Peter Ye  
 16           2. John Terzakis  
 17           3. Robert Estupinian  
 18           4. Ginny Estupinian  
 19           5. Carol-Ann Tognazzini  
 20           6. Edmundo Estupinian  
 21           7. Haydee Estupinian

22       Defendant reserves the right to identify additional individuals likely to have discoverable  
 23 information.

24       **B. Documents [26(a)(1)(B)]**

25       Third party defendant PETER YE, as an individual defendant, has no documents in his  
 26 personal possession (as opposed to the documents in possession of his employer, Vesta Strategies,  
 27 LLC, which he deems are relevant to the issues raised in this lawsuit at this time.

28       ///

1           **C.     Damages [26(a)(1)(C)]**

2           Third party defendant PETER YE has no knowledge of the nature and extent of claimed  
3 damages.

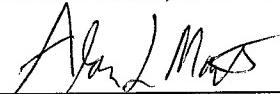
4           **D.     Insurance Agreement [26(a)(1)(D)]**

5           There is no insurance coverage for PETER YE.

6

7 Dated: April 18, 2008

SHEUERMAN, MARTINI & TABARI

  
\_\_\_\_\_  
ALAN L. MARTINI, SB NO. 77316  
Attorney for Third Party Defendant  
PETER YE

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1 CASE NAME: Vesta Strategies v Estupinian, et al.

ACTION NO. C 07-06216 JW RS

2 PROOF OF SERVICE  
3 [CCP §§ 1012.5, 1013a and 2015.5; CRC 2008]

4 I am a citizen of the United States. My business address is 1033 Willow Street, San Jose,  
5 CA 95125. I am employed in Santa Clara County where this service occurred. I am over the age  
6 of 18 years and not a party to the within cause. I am readily familiar with my employer's normal  
business practice for collection and processing of correspondence for mailing and facsimile. In  
the case of mailing [other than overnight delivery], the practice is that correspondence is  
deposited in the U.S. Postal Service the same day as the day of collection in the ordinary course  
of business.

7 On April 18, 2008, I served the within:

8 **THIRD PARTY DEFENDANT PETER YE'S INITIAL DISCLOSURE PURSUANT TO**  
9 **FRCP 26(a)(1)**

10 on the PARTIES in said action as follows:

11 Kevin Martin, Esq.  
Kmartin@randicklaw.com

Aron Frakes, Esq.  
ajfrakes@mwe.com

12 Paul Chromis, Esq.  
pchromis@mwe.com

Dan Alberti, Esq.  
dalberti@mwe.com

14 Nicholas Berg, Esq.  
Nberg@mwe.com

David Olson, Esq.  
dlo@hjmmlaw.com

16 XX (BY MAIL) I caused a true copy of each document identified above to be placed in a  
17 sealed envelope with first-class postage affixed. Each such envelope was deposited for collection  
18 and mailing that same day in the ordinary course of business in the United States mail at San  
Jose, California.

19 XX (BY E-MAIL OR ELECTRONIC TRANSMISSION) Based on a court order or an  
20 agreement of the parties to accept service by e-mail or electronic transmission, I caused the  
document(s) to be sent to the persons at the e-mail addresses listed above. I did not receive,  
within a reasonable time after the transmission, any electronic message or other indication that  
the transmission was unsuccessful.

22 \_\_\_\_\_ (BY PERSONAL SERVICE) I caused a true copy of each document identified above to be  
delivered by hand to the offices of each addressee above.

23 \_\_\_\_\_ (BY OVERNIGHT DELIVERY) I caused a true copy of each document identified above  
24 to be sealed in an envelope to be delivered to an overnight carrier with delivery fees provided  
for, addressed of each addressee above.

25 \_\_\_\_\_ (BY FACSIMILE SERVICE) I caused each of the above-named documents to be  
26 delivered by facsimile transmission to the office at each fax number noted above at 9:30 a.m., by  
use of facsimile machine telephone number (408) 295-9900. The facsimile machine used  
27 complied with CRC §2003(3), and no error was reported by the machine. A copy of the  
transmission record is attached to this declaration.

28

1 \_\_\_\_\_ (STATE) I declare under penalty of perjury under the laws of the State of California that  
the above is true and correct.

2 XX (FEDERAL) I declare that I am employed in the office of a member of the bar of this court  
3 at whose direction the service was made.

4 Dated: April 18, 2008

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Donna Spencer